

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 LANCE E. SPEAKE,

4 Plaintiff,

5 v.

6 MICHAEL MINOV, *et al.*,

7 Defendants.
8

Case No. 3:20-cv-00005-MMD-WGC

ORDER

9 **I. DISCUSSION**

10 On January 2, 2020, Plaintiff, an inmate in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983
12 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On January 7,
13 2020, this Court issued an order denying Plaintiff's application to proceed *in forma*
14 *pauperis* without prejudice to file a new application because Plaintiff's application was not
15 on this Court's approved form. (ECF No. 3). On January 10, 2020, Plaintiff filed a motion
16 for an extension of time at ECF No. 4. On January 13, 2020, the Court granted the
17 Plaintiff's extension request at ECF No. 5. On February 7, 2020, Plaintiff filed another
18 application to proceed *in forma pauperis* at ECF No. 6. Plaintiff's application is again
19 incomplete.

20 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must
21 complete all pages of his application to proceed *in forma pauperis* on this Court's
22 approved form and attach both an inmate account statement for the past six months and
23 a properly executed financial certificate. Plaintiff's filing at ECF No. 6 is missing pages 2
24 and 3 of this Court's application form. As such, Plaintiff's *in forma pauperis* application
25 (ECF No. 6) is denied without prejudice. Plaintiff will be granted one final opportunity to
26 cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative,
27 pay the full \$400 filing fee for this action. If Plaintiff chooses to file a new application to
28 proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma*

1 *pauperis*. If Plaintiff files another incomplete application to proceed *in forma pauperis*,
2 the Court will dismiss the case in its entirety, without prejudice, to file a new case when
3 Plaintiff is able to acquire the necessary documents and submit a fully complete
4 application to proceed *in forma pauperis*. The Court will retain Plaintiff's civil rights
5 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee
6 is resolved.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
9 *in forma pauperis* (ECF No. 6) is DENIED without prejudice to file a new application.

10 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
11 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
12 document entitled information and instructions for filing an *in forma pauperis* application.

13 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
14 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
15 the correct form with complete financial attachments in compliance with 28 U.S.C. §
16 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
17 fee and the \$50 administrative fee).

18 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
19 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to
20 file a new case when he is able to acquire the necessary documents and submit a fully
21 complete application to proceed *in forma pauperis*.

22 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
23 dismissal of this action may result.

24 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
25 (ECF No. 1-1), but will not file it at this time.

26 DATED: February 10, 2020

27 
28 UNITED STATES MAGISTRATE JUDGE